

MEMO ENDORSED



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ELECTRONICALLY FILED
DOC #:
DATE FILED: 1/30/08

MICHAEL A. CARDOZO
Corporation Counsel

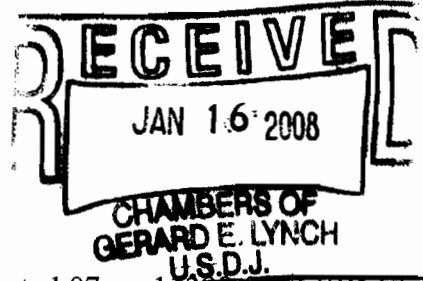
**THE CITY OF NEW YORK
LAW DEPARTMENT**
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January 15, 2008

BY HAND

Honorable Gerard E. Lynch
United States District Judge
United States Courthouse, Southern District of New York
500 Pearl Street
New York, New York 10007



Re: Gary Davis v. The City of New York et al 07-cv-11398 (GEL)(RLE)

Your Honor:

As the Assistant Corporation Counsel in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, assigned to defend the above-referenced matter, I write to respectfully request that the Court grant defendant City of New York¹ a sixty (60) day enlargement of time to and including March 17, 2008 in which to respond to the complaint.² Plaintiff's counsel, Mr. Steve Hoffner, consents to this request.

Plaintiff brings this action pursuant to 42 U.S.C. §1983 alleging, *inter alia* that on March 18, 2007, he was falsely arrested, subjected to excessive force, and detained for approximately twenty-four (24) hours. Plaintiff further alleges that, on or about September 19, 2007, the underlying criminal charges against him were dismissed. Based on the foregoing, it is necessary for defendant City of New York to acquire as much information as possible concerning this matter in order to properly assess the case and respond to the complaint. Currently, this office is in the process of forwarding to plaintiff for execution, a consent and authorization for the release of records sealed pursuant to New York Criminal Procedure Law § 160.50 and a release for plaintiff's medical records. Defendant cannot obtain these records

¹ Upon information and belief, the individual identified in the caption of the complaint as "Latonya Williams" has not been served with a copy of the summons and complaint. Without appearing on his/her behalf, it is respectfully requested that, in the event he/she was served, the same extension be granted to him/her in order to ensure that his/her defenses are not jeopardized while representation issues are being decided.

² Defendant respectfully apologizes to the Court and plaintiff for the tardiness of this application. The undersigned was just assigned to handle this matter.

without plaintiff's authorization, and without the records, defendant cannot properly assess this case or respond to the complaint.

No previous request for an enlargement of time has been made. Accordingly, it is respectfully requested that defendants' time to respond to the complaint be extended to and including March 17, 2008.]*

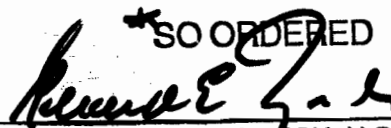
I thank Your Honor for considering the within request.

Respectfully submitted,



Brooke Birnbaum (BB 8338)
Assistant Corporation Counsel

cc: Mr. Steve Hoffner, Esq. (By Fax)

*SO ORDERED

GERARD E. LYNCH, U.S.D.J.
1/29/08